

ORDINANCE NO. 2017-12

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 40 (HISTORICAL
RESOURCES) OF THE ESCONDIDO ZONING
CODE

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 17-0004

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notices of a public hearing have been given and
public hearings have been held before the Planning Commission and City Council on
this issue.

SECTION 2. The City Council has duly reviewed and considered all evidence
submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated December 6, 2017, which along with its
attachments is incorporated herein by this reference as though fully set
forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 3. That the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act (“CEQA”) Section 15061(b)(3) “General Rule,” and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving the code amendment.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Findings of Fact,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the specified section of Article 40 of the Escondido Zoning Code is amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 6. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 20th day of December, 2017 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO MORASCO, MASSON, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2017-12 passed at a regular meeting of the City Council of the City of Escondido held on the 20th day of December, 2017, after having been read at the regular meeting of said City Council held on the 6th day of December, 2017.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2017-12

EXHIBIT "A"
FINDINGS OF FACT
AZ 17-0004

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed zoning code amendment because the role of the Historic Preservation Commission (HPC) will remain the same. Based on experience over the last 12 years, the HPC has been just as effective in carrying out its role with seven (7) members as it had been prior to that with nine (9) members.
2. The proposed Zoning Code amendment would be consistent with the goals and policies of the General Plan because the HPC can assist in the implementation of policies to reach goals related to historic and cultural resources with seven (7) members as effectively as it could with nine (9) members, as previously demonstrated.
3. The proposed Zoning Code amendment does not conflict with any specific plan.

EXHIBIT "B"
PROPOSED CHANGE TO THE ZONING CODE
AZ17-0004

Amend the Article 40, Section 33-791(b)(1) to read as specified below. Subsections of Section 33-791(b)(1) shall remain as currently codified.

The HPC shall be comprised of ~~nine (9)~~ seven (7) individuals from the community who represent a variety of perspectives related to historical preservation and which shall include the following: